

FEDERAL REGISTER

VOLUME 4 NUMBER 32

Washington, Thursday, February 16, 1939

Rules, Regulations, Orders

TITLE 30—MINERAL RESOURCES

NATIONAL BITUMINOUS COAL COMMISSION

[Order No. 261]

EXTENDING THE TIME IN WHICH THE REPRESENTATIVES OF THE SEVERAL DISTRICT BOARDS WITHIN MINIMUM PRICE AREA No. 1 HAVE BEEN DIRECTED TO COMPLETE THE WORK OF COORDINATION

Pursuant to Act of Congress entitled, "An Act to regulate interstate commerce in bituminous coal, and for other purposes," (Public No. 48, 75th Cong., 1st Sess.) known as the Bituminous Coal Act of 1937, the National Bituminous Coal Commission hereby orders and directs:

1. That the time in which the representatives of the several district boards within Minimum Price Area No. 1 have been directed to complete the work of coordination, as provided by Rule II of Section 4 of Order No. 259,¹ be and the same is hereby extended to the 11th day of March, 1939. No application by any district board for a further extension of time will be entertained by the Commission.

2. That the said representatives be and they are hereby directed to make their final reports to their respective district boards and to the Commission, as provided by Rule IV of said Section 4 of Order No. 259, not later than the 13th day of March, 1939.

3. That the Secretary of the Commission be and he is hereby directed to cause a copy of this order to be published forthwith in the FEDERAL REGISTER and shall cause copies hereof to be mailed to each code member within Minimum Price Area No. 1, to the Consumers' Counsel, and to the Secretary of each District

Board, and shall cause copies hereof to be made available for inspection by interested parties in each of the Statistical Bureaus of the Commission.

By order of the Commission.

Dated this 14th day of February 1939.

[SEAL] F. WITCHER McCULLOUGH,
Secretary.

[F. R. Doc. 39-558; Filed, February 15, 1939;
12:41 p. m.]

TITLE 46—SHIPPING

UNITED STATES MARITIME COMMISSION

[General Order No. 15—Supp. 3 (c)]

MINIMUM MANNING SCALES FOR THE M. S. "WEST CUSSETA," SUBSIDIZED VESSEL OF AMERICAN SCANTIC LINE, INC.

At a regular session of the United States Maritime Commission held at its offices in Washington, D. C., on the 10th day of February 1939.

The Commission having adopted, pursuant to Section 301 (a) of the Merchant Marine Act, 1936, General Order No. 15¹ providing for minimum wage scales, minimum manning scales, and reasonable working conditions for all subsidized vessels, and now desired to complete the minimum manning scales for the M. S. *West Cusseta*, subsidized vessel of the American Scantic Line, Inc. (referred to herein as Operator); and

The Commission finding that the minimum scales hereinafter adopted for the above named subsidized vessel of the Operator are reasonable, proper and lawful, such finding being based upon investigations referred to in General Order No. 15 and investigations of the Commission made thereafter; it is, therefore

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¹ 4 F. R. 261 DI.

¹ 2 F. R. 2257 (2626 DI).



Published by the Division of the Federal Register, The National Archives, pursuant to the authority contained in the Federal Register Act, approved July 26, 1935 (49 Stat. L. 500), under regulations prescribed by the Administrative Committee, with the approval of the President.

The Administrative Committee consists of the Archivist or Acting Archivist, an officer of the Department of Justice designated by the Attorney General, and the Public Printer or Acting Public Printer.

The daily issue of the FEDERAL REGISTER will be furnished by mail to subscribers, free of postage, for \$1 per month or \$10 per year; single copies 10 cents each; payable in advance. Remit by money order payable to Superintendent of Documents, Government Printing Office, Washington, D. C.

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Ordered, That the minimum manning scales attached hereto for the M. S. *West Cusseta*, subsidized vessel of the Operator, be and the same hereby are adopted: *Provided*, That under extraordinary circumstances such as casualty or desertion, where it is impossible to procure sufficient officers or unlicensed seamen of any required grade or rating to permit the sailing of said vessel without undue delay, the said scales shall be inoperative to the extent required by such emergency, and the Operator shall forthwith report to the Commission any departure from said scales, stating in such report the extent of the departure and showing to the satisfaction of the Commission that sufficient reasons for such departure existed; and it is further

Ordered, That the minimum manning scales hereby adopted shall not relieve said Operator from complying with the manning requirements of the Bureau of Marine Inspection and Navigation and shall be without prejudice to the carrying of seamen in addition to those required hereby; and it is further

Ordered, That the minimum manning scales hereby adopted shall become effective for each of said vessels upon the first signing after March 11, 1939, of shipping articles for a subsidized voyage of said vessel, unless otherwise specified in the scales, and that the Operator be immediately served by registered mail with a copy of this Order and of the minimum manning scales hereby adopted.

By order of the United States Maritime Commission.

[SEAL]

W. C. PEET, Jr.,
Secretary.

M. S. "West Cusseta"

TABULATION

[Comparison of Various Manning Scales
American Scantic Line, Inc.]

Rating	Minimum required by B. M. I. & N.	Reported now carried	U. S. Maritime Commission, minimum recommended
Master	1	1	1
Chief Mate	1	1	1
Second Mate	1	1	1
Third Mate	1	1	1
Junior Third Mate		1	
Cadet Officer or Cadet			1
Radio Operator	1	1	1
Carpenter		1	
Boatswain		1	
Utility Man		1	
Able Seaman	6	6	6
Ordinary Seaman	3	3	3
Total Deck Department	14	18	15
Chief Engineer	1	1	1
First Assistant Engineer	1	1	1
Second Assistant Engineer	1	1	1
Third Assistant Engineer	1	1	1
Jr. Third Assistant Engineer		1	
Engineer Cadet Officer or Cadet			1
Electrician		1	
Oilers	3	3	3
Utility Man		1	
Wipers	2	2	2
Total Engine Department	10	12	11
Chief Steward		1	1
Chief Cook		1	1
Second Cook and Baker		1	1
Messmen		2	1
Utility Man		1	
Messboys		2	2
Total Steward's Department	(9)	8	6
Grand total:			
Deck Department	14	18	15
Engine Department	9	12	11
Total	23	30	26
Steward's Department		8	6

¹ With radio auto alarm.

² Included in the required number of licensed motor engineers specified herein, there must be one licensed Steam Engineer.

³ 15 persons when needed in Steward's Department and other departments not connected with the navigation of the vessel itself.

MINIMUM MANNING SCALE TO BE OBSERVED ON THE VESSEL M. S. "WEST CUSSETA" OF THE AMERICAN SCANTIC LINE, INC.

Rating:	Minimum
Deck department:	
Master	1
Chief Mate	1
Second Mate	1
Third Mate	1
Cadet Officer or Cadet	1
Radio Operator	1
Able Seamen	6
Ordinary Seamen	3
Engine department:	
Chief Engineer	1
First Assistant Engineer	1
Second Assistant Engineer	1
Third Assistant Engineer	1
Junior Third Assistant Engineer	1
Engineer Cadet Officer or Cadet	1
Oilers	3
Wipers	2
Steward's department:	
Chief Steward	1
Chief Cook	1

Rating—Continued	Minimum
Steward's department—Continued.	
Second Cook and Baker	1
Mesman	1
Messboys	2

¹ It shall not constitute a violation of this Manning Scale to detail any Cadet Officer or Cadet required to be carried hereby, to shore training after notice to, and approval by, the Director of the Division of Maritime Personnel of this Commission, and in such case entry shall be made in the official logbook to this effect and no replacements of such Cadet Officers or Cadets shall be required. Such cadets also may be removed from vessel's complement at any time upon notice to the operator by the Director of the Division of Maritime Personnel, and such action shall not constitute a violation of this Manning Scale.

² With radio auto alarm.

³ The Engineers and Wipers required by this Manning Scale are ratings covered by, and in no sense additions to, the respective ratings provided for by the Manning Scales set forth in General Order No. 15, issued October 21, 1937.

GENERAL NOTE.—Requirements of this Manning Scale will be deemed satisfied in the event that an employee is carried whose rating in the same department is superior to the rating prescribed.

Included in the required number of licensed motor engineers specified herein, there must be one licensed Steam Engineer.

[F. R. Doc. 39-551; Filed, February 14, 1939; 4:12 p. m.]

[General Order No. 15—Supp. 9]

MINIMUM MANNING SCALES FOR THE S. S. "WEST NILUS," S. S. "WEST CAMARGO," S. S. "WEST IRA," S. S. "WEST CACTUS" AND S. S. "WEST IVIS," SUBSIDIZED VESSELS OF THE PACIFIC ARGENTINE BRAZIL LINE, INC.

At a regular session of the United States Maritime Commission held at its offices in Washington, D. C., on the 31st day of January 1939.

The Commission having adopted, pursuant to Section 301 (a) of the Merchant Marine Act, 1936, General Order No. 15¹ providing for minimum wage scales, minimum manning scales, and reasonable working conditions for all subsidized vessels, and now desiring to complete the minimum manning scales for the S. S. *West Nilus*, S. S. *West Camargo*, S. S. *West Ira*, S. S. *West Cactus* and S. S. *West Ivis*, subsidized vessels of the Pacific Argentine Brazil Line, Inc. (referred to herein as Operator); and

The Commission finding that the minimum scales hereinafter adopted for the above named subsidized vessels of the Operator are reasonable, proper and lawful, such findings being based upon investigations referred to in General Order No. 15 and investigations of the Commission made thereafter; it is, therefore

Ordered, That the minimum manning scales attached hereto for the S. S. *West Nilus*, S. S. *West Camargo*, S. S. *West Ira*, S. S. *West Cactus* and S. S. *West Ivis*, subsidized vessels of the Operator, be and

¹ 2 F. R. 2257 (2626 DI).

the same hereby are adopted: *Provided*, That under extraordinary circumstances such as casualty or desertion, where it is impossible to procure sufficient officers or unlicensed seamen of any required grade or rating to permit the sailing of either of said vessels without undue delay, the said scales shall be inoperative to the extent required by such emergency, and the Operator shall forthwith report to the Commission any departure from said scales, stating in such report the extent of the departure and showing to the satisfaction of the Commission that sufficient reasons for such departure existed; and it is further

Ordered, That the minimum manning scales hereby adopted shall not relieve said Operator from complying with the manning requirements of the Bureau of Marine Inspection and Navigation and shall be without prejudice to the carrying of seamen in addition to those required hereby; and it is further

Ordered, That the minimum manning scales hereby adopted shall become effective for each of said vessels upon the first signing after March 11, 1939, of shipping articles for a subsidized voyage of said vessel, unless otherwise specified in the scales, and that the Operator be immediately served by registered mail with a copy of this Order and of the minimum manning scales hereby adopted.

By order of United States Maritime Commission.

[SEAL]

W. C. PEET, Jr.

Secretary.

S. S. "West Nilus," S. S. "West Camargo,"
S. S. "West Ira," S. S. "West Cactus,"
S. S. "West Ivis"

TABULATION

[Comparison of Various Manning Scales
Pacific Argentine Brazil Line, Inc.]

Rating	Minimum required by B. M. I. & N.	Reported now carried	U. S. Maritime Commission, minimum recommended
Master	1	1	1
Chief Mate	1	1	1
Second Mate	1	1	1
Third Mate	1	1	1
Radio Operator	1	1	1
Cadet Officer or Cadet	1	1	1
Boatswain	1	1	1
A. B. Seamen	6	6	6
Ordinary Seamen	3	3	3
Total Deck Department	14	16	15
Chief Engineer	1	1	1
First Assistant Engineer	1	1	1
Second Assistant Engineer	1	1	1
Third Assistant Engineer	1	1	1
Junior Engineer	1	1	1
Deck Engineer	1	1	1
Engineer Cadet Officer or Cadet	1	1	1
Oilers	3	3	3
Firemen	3	3	3
Wipers	2	2	2
Total Engine Department	12	13	14

¹With radio auto alarm.

TABULATION—Continued

Rating	Minimum required by B. M. I. & N.	Reported now carried	U. S. Maritime Commission, minimum recommended
Steward	1	1	1
Chief Cook	1	1	1
Second Cook & Baker	1	1	1
Messmen	4	4	4
Total Steward's Department	7	7	7
Grand total:			
Deck Department	14	16	15
Engine Department	12	13	14
Total	26	29	29
Total Steward's Department (The Bureau permits 11 persons when needed)	7	7	7

MINIMUM MANNING SCALE TO BE OBSERVED ON THE VESSELS "WEST NILUS," "WEST CAMARGO," "WEST IRA," "WEST CACTUS," AND "WEST IVIS" OF THE PACIFIC ARGENTINE BRAZIL LINE, INC.

Rating:	Minimum
Deck department:	
Master	1
Chief Mate	1
Second Mate	1
Third Mate	1
Radio Operator	1
Cadet Officer or Cadet	1
A. B. Seamen	6
Ordinary Seamen	3
Engine department:	
Chief Engineer	1
First Assistant Engineer	1
Second Assistant Engineer	1
Third Assistant Engineer	1
Junior Engineer	1
Engineer Cadet Officer or Cadet	1
Oilers	3
Firemen	3
Wipers	2
Steward's department:	
Steward	1
Chief Cook	1
Second Cook & Baker	1
Messmen	4

¹ With radio auto alarm.

² It shall not constitute a violation of this Manning Scale to detail any Cadet Officer or Cadet required to be carried hereby, to shore training after notice to, and approval by, the Director of the Division of Maritime Personnel of this Commission, and in such case entry shall be made in the official logbook to this effect and no replacements of such Cadet Officers or Cadets shall be required. Such Cadets also may be removed from vessel's complement at any time upon notice to the operator by the Director of the Division of Maritime Personnel, and such action shall not constitute a violation of this Manning Scale.

³ The Engineers and Wipers required by this Manning Scale are ratings covered by, and in no sense additions to, the respective ratings provided for by the Manning Scales set forth in General Order No. 15, issued October 21, 1937.

GENERAL NOTE.—Requirements of this Manning Scale will be deemed satisfied in the event that an employee is carried whose rating in the same department is superior to the rating prescribed.

[F. R. Doc. 39-552; Filed, February 14, 1939; 4:12 p. m.]

[General Order No. 15—Supp. 10]

MINIMUM MANNING SCALES FOR THE S. S. "MARIPOSA" AND S. S. "MONTEREY," SUBSIDIZED VESSELS OF THE OCEANIC STEAMSHIP COMPANY

At a regular session of the United States Maritime Commission held at its offices in Washington, D. C., on the 31st day of January 1939.

The Commission having adopted, pursuant to Section 301 (a) of the Merchant Marine Act, 1936, General Order No. 15¹ providing for minimum wage scales, minimum manning scales, and reasonable working conditions for all subsidized vessels, and now desiring to complete the minimum manning scales for the S. S. *Mariposa* and S. S. *Monterey*, subsidized vessels of the Oceanic Steamship Company (referred to herein as Operator); and

The Commission finding that the minimum scales hereinafter adopted for the above named subsidized vessels of the Operator are reasonable, proper and lawful, such finding being based upon investigations referred to in General Order No. 15 and investigations of the Commission made thereafter; it is, therefore

Ordered, That the minimum manning scales attached hereto for the S. S. *Mariposa* and S. S. *Monterey*, subsidized vessels of the Operator, be and the same hereby are adopted: *Provided*, That under extraordinary circumstances such as casualty or desertion, where it is impossible to procure sufficient officers or unlicensed seamen of any required grade or rating to permit the sailing of either of said vessels without undue delay, the said scales shall be inoperative to the extent required by such emergency, and the Operator shall forthwith report to the Commission any departure from said scales, stating in such report the extent of the departure and showing to the satisfaction of the Commission that sufficient reasons for such departure existed; and it is further

Ordered, That the minimum manning scales hereby adopted shall not relieve said Operator from complying with the manning requirements of the Bureau of Marine Inspection and Navigation and shall be without prejudice to the carrying of seamen in addition to those required hereby; and it is further

Ordered, That the minimum manning scales hereby adopted shall become effective for each of said vessels upon the first signing after March 11, 1939, of shipping articles for a subsidized voyage of said vessel, unless otherwise specified in the scales, and that the Operator be immediately served by registered mail with a copy of this order and of the minimum manning scales hereby adopted.

¹ 2 F. R. 2257 (2626 DI).

By order of United States Maritime Commission.

[SEAL]

W. C. PEET, JR.,
Secretary.

S. S. "Mariposa," S. S. "Monterey"

TABULATION

[Comparison of Various Manning Scales
The Oceanic Steamship Company]

Rating	Minimum required by B. M. I. & N.		Reported now carried	U. S. Maritime Comm. minimum recommended
	Mariposa	Monterey		
Master	1	1	1	1
Chief Mate	1	1	1	1
First Mate			1	
Senior Second Mate				1
Second Mate	1	1	1	1
Third Mate	1	1	1	1
Junior Mates	(1)	(1)	2	
Cadet Officers or Cadets ¹	6	6	6	3
Chief Radio Operator	1	1	1	
First Asst. Radio Operator	1	1	1	3
Second Asst. Radio Operator	1	1	1	
Carpenter			1	1
Carpenter's Mate			1	
Boatswain			1	1
Boatswain's Mate			2	
Quartermasters	6	6	6	6
Fire Patrolmen	3	3	3	3
Storekeeper—A. B.			1	
Able Seamen	15	22	15	18
Ordinary Seamen	11	10	7	7
Total Deck Department	48	48	53	47
Chief Engineer	1	1	1	1
Assistant Chief Engineer			1	
First Assistant Engineer	1	1	1	1
Second Assistant Engineer	1	1	1	1
Senior Third Asst. Engineer			1	
Third Assistant Engineer	2	1	1	1
Fourth Assistant Engineer		1	1	
Engineer Cadet Officers or Cadets				3
Licensed Junior Engineers	3	3	6	3
Unlicensed Junior Engineers	7	7	4	7
Unlicensed Junior Deck Engineers			1	
Senior Refrigerating Engineer			1	
Second Refrigerating Engineer			1	3
Third Refrigerating Engineer			1	
Chief Electrician			1	
First Electrician			1	
Second Electrician			1	3
Third Electrician			1	
Extra Electrician			1	
Plumber			1	1
Machinist			1	
Storekeeper			1	
Oilers	6	6	6	6
Firemen	9	9	9	9
Wipers	5	5	5	5
Yeomen-Engineers			1	
Total Engine Department	35	35	48	45
Steward			1	1
Chief Cook			1	1
Assistant Cook			1	1
Butcher			1	1
Baker			1	1
Scullions			2	2
Messmen			10	10
Total Steward's Department				17
Grand total:				
Deck Department	48	48	53	47
Engine Department	35	35	48	45
Total	83	83	101	92
Steward's Department (334 persons when needed)				17

¹ May carry three additional licensed Mates, if desired.

² The Oceanic Steamship Company officials agreed to have the requirements for six cadets eliminated from the Steamboat Inspection Certificate. This Committee is recommending three cadet officers or cadets in the engine room as well as on deck, instead of six in the deck department.

MINIMUM MANNING SCALE TO BE OBSERVED ON THE VESSELS "MARIPOSA" AND "MONTEREY" OF THE OCEANIC STEAMSHIP COMPANY

Rating:	Minimum
Deck department:	
Master	1
Chief Mate	1
Senior Second Mate	1
Second Mate	1
Third Mate	1
Cadet Officers or Cadets	3
Radio Operators	3
Carpenter	1
Boatswain	1
Quartermasters	6
Fire Patrolmen	3
Able Seamen	18
Ordinary Seamen	7
Engine department:	
Chief Engineer	1
First Assistant Engineer	1
Second Assistant Engineer	1
Senior Third Assistant Engineer	1
Third Assistant Engineer	1
Engineer Cadet Officers or Cadets	3
Licensed Junior Engineers	3
Unlicensed Junior Engineers	7
Refrigerating Engineers	3
Electricians	3
Plumber	1
Oilers	6
Firemen	9
Wipers	5
Steward's department:	
Steward	1
Chief Cook	1
Assistant Cook	1
Butcher	1
Baker	1
Scullions	2
Messmen	10

¹ It shall not constitute a violation of this Manning Scale to detail any Cadet Officer or Cadet required to be carried hereby, to shore training after notice to, and approval by, the Director of the Division of Maritime Personnel of this Commission, and in such case entry shall be made in the official logbook to this effect and no replacements of such Cadet Officers or Cadets shall be required. Such cadets also may be removed from vessel's complement at any time upon notice to the operator by the Director of the Division of Maritime Personnel, and such action shall not constitute a violation of this Manning Scale.

² The Engineers and Wipers required by this Manning Scale are ratings covered by, and in no sense additions to, the respective ratings provided for by the Manning Scales set forth in General Order No. 15, issued October 21, 1937.

GENERAL NOTE.—Requirements of this Manning Scale will be deemed satisfied in the event that an employee is carried whose rating in the same department is superior to the rating prescribed.

Requirements of this Manning Scale for Engineer Cadet Officers or Cadets will be deemed satisfied to the extent that, and so long as, more than 3 presently employed deck cadets are carried.

[F. R. Doc. 39-553; Filed, February 14, 1939; 4:12 p. m.]

Notices

DEPARTMENT OF THE INTERIOR.

Division of Territories and Island Possessions.

[I. C. C. No. 253]

THE ALASKA RAILROAD

LOCAL PASSENGER TARIFF NO. 195-B¹

Naming Round Trip Excursion Fares from Stations on the Alaska Railroad in

¹ No supplement will be issued to this tariff except for the purpose of cancelling the tariff.

Alaska to Anchorage, Alaska, Account Winter Sports Tournament and Fur Rendezvous February 18 to 21, 1939.

Issued under authority of Rule 52 Interstate Commerce Commission Tariff Circular No. 18-A. Issued, January 16, 1939. Effective, February 16, 1939. Authority: Act, March 12, 1914 and Executive Order No. 3861. Issued by O. F. Ohlson, General Manager, Anchorage, Alaska.

General Rules and Regulations

1. *Stations from and to which this tariff applies.*—This tariff applies from all Rail Line stations. This tariff applies only to Anchorage, Alaska. Conductor picking up passenger at non-agency station will handle passenger to first agency station where ticket must be secured from originating station to final destination.

2. *Dates of sale.*—February 16, 17, 18, 19, 20 and 21, 1939.

3. *Final return limit.*—February 27, 1939. Return trip to be completed prior to midnight of final limit.

4. *Stopovers.*—Stopovers will not be permitted in either direction.

5. *Tickets.*—Use Form L-14 Round Trip Excursion Tickets.

6. *Children.*—Tickets may be sold at one-half the fares named herein for children five years of age and under twelve years of age, sufficient to be added to make fare end in "0" or "5". Children under five years of age will be carried free when accompanied by parent or guardian.

7. *Baggage.*—No baggage will be checked on tickets sold under this tariff.

8. *Tickets non-transferable.*—All tickets sold at fares named herein are non-transferable and will be valid only for transportation of passenger for whom originally purchased. Passenger must sign the back of return portion of ticket.

9. *Fares.*—One first class fare for the round trip. First class fares are shown in Local Passenger Tariff No. 42-B, I. C. C. No. 177, supplements thereto and reissues thereof.

The above is hereby confirmed.

R. A. KLEINDIENST,
Administrative Officer.

[F. R. Doc. 39-554; Filed, February 15, 1939; 10:29 a. m.]

National Bituminous Coal Commission.

[General Docket No. 15]

ESTABLISHMENT OF MINIMUM PRICES AND MARKETING RULES AND REGULATIONS

ORDER FOR AND NOTICE OF RESUMPTION OF HEARING IN THE MATTER OF DETERMINATIONS OF THE WEIGHTED AVERAGE OF THE TOTAL COSTS OF THE TONNAGE PRODUCED WITHIN MINIMUM PRICE AREAS NOS. 1, 2, 3, AND 5

Pursuant to Act of Congress entitled, "An Act to regulate interstate commerce in bituminous coal, and for other purposes," (Public No. 48, 75th Cong., 1st

Sess.) known as the Bituminous Coal Act of 1937, the National Bituminous Coal Commission hereby orders and directs:

1. That the hearing¹ in the matter of the determination of the weighted average of the total costs per net ton of the tonnage produced in each of Minimum Price Areas Nos. 1, 2, 3, and 5 be resumed, and notice is hereby given that the Commission will, on the 6th day of March, 1939 at 10:00 o'clock A. M., at its hearing Room in the Walker Building, Washington, D. C., afford all interested parties further opportunity to introduce affirmative evidence and to cross-examine witnesses as to the correctness of the composite reports heretofore introduced in evidence in this proceeding.

2. That any interested party desiring to avail himself of the opportunity to introduce affirmative evidence or to cross-examine any witnesses shall, not later than three days preceding the date of said resumed hearing, file with the Commission at its offices in the Walker Building, Washington, D. C., a written statement setting forth the nature of such affirmative evidence and/or the name of the witnesses to be cross-examined.

3. That the Secretary of the Commission be and he is hereby directed to cause a copy of this order and notice to be published forthwith in the FEDERAL REGISTER and in two consecutive issues of a newspaper of general circulation in each of Districts Nos. 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, and 15, and shall cause copies hereof to be mailed to each code member, to the Consumers' Counsel, to the Secretary of each District Board, and to all parties who have entered appearances in this proceeding, and shall cause copies hereof to be made available for inspection by interested parties at each of the Statistical Bureaus of the Commission.

By order of the Commission.

Dated this 14th day of February, 1939.

[SEAL] F. WITCHER McCULLOUGH,
Secretary.

[F. R. Doc. 39-559; Filed, February 15, 1939;
12:41 p. m.]

DEPARTMENT OF LABOR.

Wage and Hour Division.

IN THE MATTER OF THE APPLICATION OF THE CIGAR LEAF TOBACCO INDUSTRY FOR PARTIAL EXEMPTION FROM THE MAXIMUM HOURS PROVISIONS OF THE FAIR LABOR STANDARDS ACT

Whereas, applications have been made by the General Cigar Company and sundry other parties engaged in the buying, handling, stripping, sorting, grading, sizing, packing, and in the stemming prior to packing, of perishable cigar leaf to-

bacco of types 41-45, 51-55, 61 and 62 (as defined by the Bureau of Agricultural Economics of the United States Department of Agriculture), pursuant to Section 7 (b) (3) of the Fair Labor Standards Act of 1938 and Part 526 of regulations issued thereunder,¹ for partial exemption from the maximum hours provisions of Section 7 (a) of said Act pursuant to the provisions of said Section 7 (b) (3) applicable to industries found by the Administrator of the Wage and Hour Division to be of a seasonal nature; and

Whereas, it appears that:

(1) the operations of buying, handling, stripping, sorting, grading, sizing, packing, and the stemming prior to packing, of perishable cigar leaf tobacco of the types above enumerated, include operations essential to the preservation of a perishable agricultural product; and

(2) the warehouses wherein said operations are performed, closed at the end of the operating season each year except for maintenance, repair, clerical and sales work; and

(3) the earliest season opens in June, the latest in January, and the shortest season is about two months and the longest about four months; and

(4) green tobacco, being the materials used by the industry, is available for natural reasons only at the above indicated times of the year when the plants are in operation.

Now, therefore, upon consideration of the facts and reasons stated in said applications, the Administrator hereby determines, pursuant to Section 526.5 (c) of said Regulations, that a *prima facie* case has been shown for the granting of an exemption, pursuant to Section 7 (b) (3) of the Fair Labor Standards Act of 1938 and Section 526.3 of the Regulations issued thereunder, to that branch of the tobacco industry engaged in the buying, handling, stripping, sorting, grading, sizing, packing, and in the stemming prior to packing, of perishable cigar leaf tobacco of types 41-45, 51-55, 61 and 62 (as defined by the Bureau of Agricultural Economics of the United States Department of Agriculture).

In accordance with the procedure set forth in Section 526.5 of the regulations issued under said Act, the Administrator will receive objection to the granting of the exemption and request for hearing from any person interested for fifteen days following the publication in the FEDERAL REGISTER of this preliminary determination. If such objection and request for hearing is received, the Administrator will set the application for hearing before the Administrator or an authorized representative.

If no objection and request for hearing is received within fifteen days, the Administrator will make a finding upon the *prima facie* case shown upon said applications.

The said applications may be examined at Room 5321, U. S. Department of Labor, Washington, D. C.

Signed at Washington, D. C., this 13th day of February, 1939.

ELMER F. ANDREWS,
Administrator.

[F. R. Doc. 39-556; Filed, February 15, 1939;
12:11 p. m.]

FEDERAL POWER COMMISSION.

[Docket No. IT-5000]

IN THE MATTER OF JOINT APPLICATION OF NORTHERN PENNSYLVANIA POWER COMPANY AND METROPOLITAN EDISON COMPANY

ORDER DIRECTING FURTHER INQUIRY AND HEARING

FEBRUARY 14, 1939.

Commissioners: Claude L. Draper, Acting Chairman; Basil Manly, John W. Scott, Clyde L. Seavey, not participating.

It appearing to the Commission that:

(a) On November 20, 1936, the Commission entered its order in the matter of the joint application of Northern Pennsylvania Power Company and Metropolitan Edison Company for approval of the disposition and sale of all of the franchises and property, real, personal, and mixed, of Northern Pennsylvania Power Company to Metropolitan Edison Company subject, however, to the conditions therein set forth, i. e., (1) the execution of a new agreement between the parties making the plan of sale and conditions enumerated in such order a part of the consolidation agreement, and (2) the approval of such agreement by the Commission;

(b) On May 24, 1938, the Commission issued a Show Cause Order directing the applicants to show cause, if any there were, why the order of the Commission entered on November 20, 1936, should not be vacated and annulled. Northern Pennsylvania Power Company and Metropolitan Edison Company, in their response filed with the Commission on July 15, 1938, submitted a new agreement bearing date of July 14, 1938, (1) purporting to carry out the terms and conditions upon which the approval of this Commission, as specified in its order of November 20, 1936, was predicated, and (2) requested formal approval thereof by the Commission;

(c) More than two years have elapsed since (1) the hearing upon the joint application of the parties seeking approval of the disposition and sale of the franchises and property of Northern Pennsylvania Power Company to Metropolitan Edison Company, and (2) the order of the Commission conditionally approving such application as amended, and the Commission is not now in a position to pass upon the approval of such new consolidation agreement, after the lapse of such a period of time, without a further

¹ 3 F. R. 2887 DL.

¹ 3 F. R. 2534, 3127 DL.

hearing at which all the pertinent facts, conditions and circumstances affecting the public interest can be presented;

(d) Hearings have been held before the Public Service Commission of the Commonwealth of Pennsylvania upon the joint application of Northern Pennsylvania Power Company and Metropolitan Edison Company, as originally filed with that commission and as amended, seeking the approval of that commission to the disposition and sale of the franchises and property of Northern Pennsylvania Power Company to Metropolitan Edison Company. The joint application, as filed with such commission, differs materially from the joint application as filed with the Federal Power Commission, both as to the terms and conditions of the sale and the methods of operation to be employed subsequent to the consummation of the merger;

(e) The decision of the Superior Court of the Commonwealth of Pennsylvania entered on the 15th day of July, 1938, (200 Atl. 860) clearly indicates that the terms and conditions upon which the applicant companies are seeking approval of the disposition and sale of their respective franchises and properties before the Pennsylvania Public Utility Commission are materially different from the terms and conditions submitted to the Federal Power Commission at the time of the granting of its prior conditional approval, and distinctly at variance with the terms and conditions set forth in the new agreement bearing date of July 14, 1938, submitted as a part of the response of these companies in their return to the Show Cause Order issued by this Commission on May 24, 1938;

(f) Before approving the agreement between the parties the Federal Power Commission should be fully advised as to the exact terms and conditions under which Northern Pennsylvania Power Company seeks to make disposition and sale of its property to Metropolitan Edison Company, the methods of operation to be pursued thereafter in the public interest, the extent to which conditions have changed by reason of the lapse of time or otherwise since the prior hearing in this cause, and have a full and complete disclosure of all conditions and circumstances affecting the public interest as of the present time;

The Commission orders that:

(A) All proceedings had on the joint application of Northern Pennsylvania Power Company and Metropolitan Edison Company herein be and they are hereby reopened and the order of November 20, 1936, conditionally approving the disposition and sale of the property of Northern Pennsylvania Power Company to Metropolitan Edison Company is suspended, and without force or effect, pending further order of this Commission;

(B) A hearing be held on April 3, 1939, at 10 a. m., in the hearing room of the Commission, Hurley-Wright Building, 1800 Pennsylvania Ave., N. W., Washington, D. C., to determine all the facts, conditions, and circumstances affecting the proposed disposition and sale by Northern Pennsylvania Power Company of its franchises and properties to Metropolitan Edison Company, both as set forth in and in connection with the agreement between the said parties under date of July 14, 1938, and otherwise, as they exist at the present time, and any changes in the facts, conditions and circumstances affecting said proposed sale and disposition since the previous hearings and said order of November 20, 1936, as well as to determine whether all pertinent facts, conditions and circumstances were disclosed or set forth on the record in said previous proceedings and whether or not the prior findings herein, or any of them, or said order of November 20, 1936, should be vacated or modified.

By the Commission.

[SEAL]

LEON M. FUQUAY,
Secretary.

[F. R. Doc. 39-557; Filed, February 15, 1939;
12:13 p. m.]

SECURITIES AND EXCHANGE COMMISSION.

United States of America—Before the Securities and Exchange Commission

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C., on the 13th day of February, A. D. 1939.

[File No. 1-609]

IN THE MATTER OF THE REGISTRATION OF CALLAHAN ZINC-LEAD COMPANY COMMON STOCK, \$1 PAR VALUE

ORDER FOR HEARING AND DESIGNATING OFFICER TO TAKE TESTIMONY

It appearing to the Commission that Callahan Zinc-Lead Company, a corporation, is the issuer of common stock, \$1 par value, and that said Callahan Zinc-Lead Company registered said common stock on the New York Stock Exchange, a national securities exchange, by filing with said Exchange and with the Commission pursuant to Section 12 (b) and (c) of the Securities Exchange Act of 1934, as amended, and pursuant to Rule X-12B-1, as amended (formerly designated as Rule JB1), promulgated by the Commission thereunder:

On or about May 3, 1935, an application on Form 10 signed for the corporation by Donald A. Callahan, president;

On or about October 29, 1937, an application on Form 8-A signed by Henry B. Van Sinderin, president;

Amendments on Form 8 to said application on December 20, 1937, March 30, 1938, and July 29, 1938, all signed by Henry B. Van Sinderin, president;

which applications became effective on July 1, 1935, and January 21, 1938, respectively.

It appearing to the Commission that pursuant to Section 13 of the Securities Exchange Act of 1934, as amended, and Rules X-13A-1 and X-13A-2 (formerly designated as Rules KA1 and KA2, respectively), and Rules X-13A-5 and X-13A-6 (formerly designated as Rules KA6 and KA7, respectively), promulgated by the Commission thereunder, Callahan Zinc-Lead Company filed the following reports:

On or about April 6, 1936, its Annual Report on Form 10-K for the fiscal year ended December 31, 1935, signed for the corporation by Max T. Smith, vice president;

Amendments to said Annual Report on August 4, 1937, and October 21, 1937, signed by Max T. Smith, vice president;

On or about April 28, 1937, its Annual Report on Form 10-K for the fiscal year ended December 31, 1936, signed for the corporation by Frank Eichelberger, vice president;

An amendment to said Annual Report on Form 8 on or about April 23, 1938, signed by Henry B. Van Sinderin, president;

On or about April 23, 1938, its Annual Report on Form 10-K for the fiscal year ended December 31, 1937, signed for the corporation by Henry B. Van Sinderin, president;

An amendment to said Annual Report on Form 8 on November 12, 1938, signed by Henry B. Van Sinderin, president;

On or about March 25, 1937, a current report on Form 8-K for February 1937, signed for the corporation by Henry B. Van Sinderin, president;

And the Commission having reasonable grounds to believe that said Callahan Zinc-Lead Company has failed to comply with the provisions of Section 12 (b) and (c) of the Securities Exchange Act of 1934, as amended, the rules, regulations, Form 8-A and the instructions thereto promulgated by the Commission thereunder, in that the application of said Callahan Zinc-Lead Company on Form 8-A, as amended, contains false and misleading statements, the false and misleading statements which the Commission has reasonable grounds to believe exist in the application referred to above being more particularly as follows:

I. Application on Form 8-A, item 10, subdivision (i), as amended.—Item 10, subdivision (i), calls for the name of the principal underwriter of the securities referred to in the answer to that item. The Commission has reasonable grounds

to believe that certain persons, who are not named in reply to this item, were underwriters in respect of said 302,518 shares of the common stock of the registrant, and that the answer given is a false and misleading statement of a material fact.

And the Commission having reasonable grounds to believe that said Callahan Zinc-Lead Company has failed to comply with the provisions of Section 13 of the Securities Exchange Act of 1934, as amended, the rules, regulations, Form 10-K and the instructions thereto, Form 8-K and the instructions thereto promulgated by the Commission thereunder, in that the Annual Reports on Form 10-K for the fiscal years ended December 31, 1935, December 31, 1936, and December 31, 1937, respectively and the current report on Form 8-K for current events up to and including February, 1937, filed by said Callahan Zinc-Lead Company contain false and misleading statements of material facts, the false and misleading statements which the Commission has reasonable grounds to believe exist in the reports referred to above being more particularly as follows:

I. Annual report on Form 10-K for the fiscal year ended December 31, 1935, as amended.—Item 4 in the above form requires information as to registrant's securities other than equity securities owned of record and beneficially by each director and each officer of the registrant. The Commission has reasonable grounds to believe that the answer to this item as amended on August 4, 1937, to the effect that the registrant does not know whether any director or officer had any beneficial interest in a certain note payable dated August 3, 1935 and due August 3, 1936, and that such information is not available to it without unreasonable effort or expense is incomplete and misleading in a material respect, in that it fails to disclose that H. B. Kingsbury, a director, and Max T. Smith, a director and vice president of the registrant, were as of December 31, 1935, the beneficial owners of said note, which fact was known, or reasonably should have been known, by the registrant.

II. Annual report on Form 10-K for the fiscal year ended December 31, 1936.—Item 6 of this form calls for certain information with regard to options outstanding to purchase securities of registrant and Item 13 calls for certain information in respect of unissued securities. The instructions to Form 10-K with respect to said items require this information as of the end of the fiscal year. The Commission has reasonable grounds to believe that of the 302,518 shares stated in the answer to these items to be under option to Frank Eichelberger, 150,000 of said shares were under option to one Herman Marquardt, and that other persons were interested in

said options with both Eichelberger and Marquardt.

Item 12, subdivision (e) of Form 10-K, calls for the names of any principal underwriters of the securities referred to in the answer to that item. The Commission has reasonable grounds to believe that Frank Eichelberger and Herman Marquardt and their associates, either jointly or severally, exercised said options with respect to the 445,000 shares and acquired said shares from the issuer with a view to further distribution and should have, therefore, been named as principal underwriters of such securities.

III. Current report on Form 8-K for February 1937.—Item 4A, subdivision (d), calls for a brief description of the transaction of issuance or sale of securities, including a statement of the aggregate net cash proceeds or the nature and aggregate amount of any consideration other than cash received by the registrant. The Commission has reasonable grounds to believe that the statement in the answer to this item to the effect that 75,000 shares of the registrant's stock were issued to Frank Eichelberger in payment for services rendered by him to the registrant is misleading, in that it fails to indicate the true consideration for the issuance of said shares.

Item 4A, subdivision (e), calls for the names of principal underwriters, if any, of the securities referred to in the answer to this item. The Commission has reasonable grounds to believe that certain persons, who are not named in reply to this item, were underwriters in respect of said 747,518 shares of the common stock of the registrant, and that the answer given is a false and misleading statement of a material fact.

Item 5, subdivision (b), (ii), calls for information relating to the granting or extending of an option and of other information relating to the conditions on which the option may be exercised. The Commission has reasonable grounds to believe that the statement to the effect that 75,000 shares of registrant's common stock, \$1 par value, were to be issued to Frank Eichelberger as compensation for his services theretofore rendered to the registrant in connection with the development of its mining properties and as part consideration for an agreement on his part to undertake the management of the registrant, is false and misleading in a material respect, in that it omits to state the true nature of the consideration for which such shares were to be issued.

Item 5, subdivision (b), (iii). The Commission has reasonable grounds to believe that the answer to this item to the effect that Frank Eichelberger held options to purchase from the registrant 747,518 shares of its stock is materially misleading, in that it fails to set forth the granting by Eichelberger of an option for 150,000 shares to Herman Marquardt and the assumption of such op-

tion to Mr. Marquardt by the board of directors of the registrant as an obligation of the registrant, and that certain other persons, not named in answer to this item, were interested in said option or options with Eichelberger and Marquardt.

IV. Annual report on Form 10-K for the fiscal year ended December 31, 1937.—Item 12 (e) calls for the names of principal underwriters, if any, of securities sold by registrant within the fiscal year. The Commission has reasonable grounds to believe that certain persons, who are not named in reply to this item, were underwriters in respect of said 302,512 shares of the common stock of the registrant, and that the answer given is a false and misleading statement of a material fact.

It being the opinion of the Commission that the hearing herein ordered to be made is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Securities Exchange Act of 1934, as amended;

It is ordered, Pursuant to Section 19 (a) (2) of said Act, that a public hearing be held to determine whether Callahan Zinc-Lead Company has failed to comply with Sections 12 and 13 of the Securities Exchange Act of 1934, as amended, the rules, regulations, and forms promulgated by the Commission thereunder in the respects set forth above; and, if so, whether it is necessary or appropriate for the protection of investors to suspend for a period of not exceeding twelve months or to withdraw the registration of the Common Stock, \$1 par value, of said Callahan Zinc-Lead Company on said New York Stock Exchange.

It is further ordered, Pursuant to the provisions of Section 21 (b) of the Securities Exchange Act of 1934, as amended, that for the purpose of such hearings Richard Townsend, an officer of the Commission, is hereby designated to administer oaths and affirmations, subpoena witnesses and compel their attendance, take evidence, and require the production of any books, papers, correspondence, memoranda, or other records deemed relevant or material to the inquiry, and to perform all other duties in connection therewith as authorized by law.

It is further ordered, That the taking of testimony in this hearing begin February 27th at 10:00 A. M. in Room 1102A, Securities and Exchange Commission Building, 1778 Pennsylvania Avenue, N. W., Washington, D. C., and continue thereafter at such time and place as the officer hereinbefore designated may determine.

By the Commission.

[SEAL]

FRANCIS P. BRASSOR,
Secretary.

[F. R. Doc. 39-555; Filed, February 15, 1939; 11:21 a. m.]

